

EXHIBIT R

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MANGANIELLO,

Plaintiff,

-against-

**AFFIDAVIT OF LUIS
AGOSTINI**

07 Civ. 3644 (HB)

THE CITY OF NEW YORK, DET. LUIS AGOSTINI,
individually and as a New York City Police Detective,
SHAWN ABATE, individually and as a New York City
Police Detective, DEREK PARKER, individually and as a
New York City Police Detective, LT. HENRY SCOTT,
individually and as a New York City Police Lieutenant,
P.O. ALEX PEREZ, individually and as a New York City
Police Officer, P.O. MIRIAN NIEVES, individually and as
a New York City Police Officer, MICHAEL PHIPPS,
individually and as the Commanding Officer of the 43rd
Precinct, JOHN McGOVERN, individually and as a New
York City Police Detective Sergeant, ROBERT
MARTINEZ, individually and as a New York City Police
Detective, GERYL McCARTHY, individually and as a
New York City Police Deputy Inspector,

Defendants.

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LUIS AGOSTINI being duly sworn, hereby deposes and states under penalty of
perjury that the following is true and correct.

1. I am a retired member of the New York City Police Department. I was employed
with the Police Department for 20 years. At the time I retired on January 20, 2007, I held the
rank of Detective Third Grade and was assigned to the 43rd Precinct Detective Squad.

2. To the best of my recollection, Anthony Manganiello was arrested pursuant to a
warrant obtained by the Bronx County District Attorney's Office.

3. I personally did not make the decision to seek or obtain the warrant for Mr.
Manganiello's arrest.

4. After Mr. Manganiello was arrested, I had no involvement in any decisions regarding Mr. Manganiello's criminal prosecution.

5. It is my understanding that the District Attorney's Office made the decision to prosecute Mr. Manganiello and determined what charges to pursue against him.

6. Furthermore, I did not encourage or urge the District Attorney's Office to prosecute Mr. Manganiello.

7. My role was to provide the District Attorney's Office with information gathered in the course of the police investigation into the homicide of Albert Acosta. As the Police Detective assigned to the investigation, I performed my duties appropriately and in good faith.

8. On April 20, 2001 I reviewed a Criminal Court Complaint prepared by the District Attorney's Office in the matter of The People of the State of New York against Anthony Manganiello.

9. I had no personal involvement in the preparation of that document.

10. It is my understanding that, as the case detective, it was my duty to review the Criminal Court Complaint for factual accuracy.

11. I reviewed the Criminal Court Complaint and after determining to the best of my knowledge that it was factually accurate, I signed the document.

12. I did not believe that by signing the Criminal Court Complaint I was personally initiating a criminal prosecution against Mr. Manganiello.

13. I did not determine what charges to present to the Grand Jury.

14. In fact, I had no input in the District Attorney's determination to present a case against Mr. Manganiello to the Grand Jury or to seek an indictment against him.


15. To the best of my recollection, I testified before the Grand Jury in the matter of The People of the State of New York against Anthony Manganiello. To the best of my recollection, I did not testify as to any witness statements obtained during the course of the police investigation into the homicide of Albert Acosta.

16. I testified truthfully before the Grand Jury.

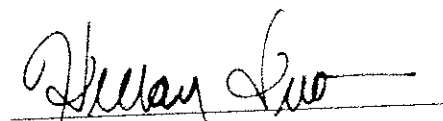
17. I did not encourage, coerce or threaten any witness to testify before the Grand Jury.

18. I did not withhold any information from the District Attorney's Office or from the Grand Jury.

Dated: New York, New York
April 14, 2008


Luis Agostini

Subscribed and sworn to
before me on April 14, 2008


Notary Public

HILLARY A. FROMMER
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 02FR6154092
Qualified in New York County
Commission Expires Oct. 23, 2010